

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION FOR MOLECULAR PATHOLOGY;  
AMERICAN COLLEGE OF MEDICAL GENETICS;  
AMERICAN SOCIETY FOR CLINICAL PATHOLOGY;  
COLLEGE OF AMERICAN PATHOLOGISTS; HAIG  
KAZAZIAN, MD; ARUPA GANGULY, PhD; WENDY  
CHUNG, MD, PhD; HARRY OSTRER, MD; DAVID  
LEDBETTER, PhD; STEPHEN WARREN, PhD; ELLEN  
MATLOFF, M.S.; ELSA REICH, M.S.; BREAST CANCER  
ACTION; BOSTON WOMEN'S HEALTH BOOK  
COLLECTIVE; LISBETH CERIANI; RUNI LIMARY;  
GENAE GIRARD; PATRICE FORTUNE; VICKY  
THOMASON; KATHLEEN BAKER,

Plaintiffs,

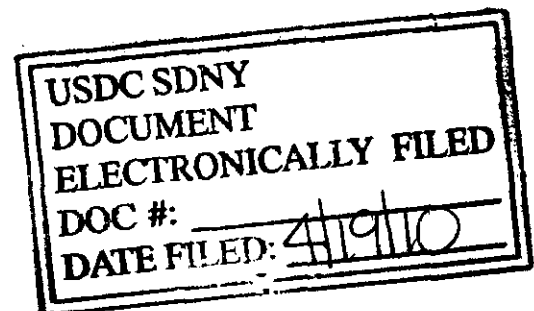
-against-

UNITED STATES PATENT AND TRADEMARK OFFICE;  
MYRIAD GENETICS; LORRIS BETZ, ROGER BOYER,  
JACK BRITTAIN, ARNOLD B. COMBE, RAYMOND  
GESTELAND, JAMES U. JENSEN, JOHN KENDALL  
MORRIS, THOMAS PARKS, DAVID W. PERSHING, and  
MICHAEL K. YOUNG, in their official capacity as Directors of  
the University of Utah Research Foundation,

Defendants.

09 Civ. 4515 (RWS)  
ECF Case

JUDGMENT



Plaintiffs Association for Molecular Pathology, American College of Medical Genetics,  
American Society for Clinical Pathology, College of American Pathologists, Haig Kazazian,  
MD, Arupa Ganguly, PhD, Wendy Chung, MD, Harry Ostrer, MD, David Ledbetter, PhD,  
Stephen Warren, PhD, Ellen Matloff, M.S., Elsa Reich, M.S., Breast Cancer Action, Boston  
Women's Health Book Collective, Lisbeth Ceriani, Runi Limary, Genae Girard, Patrice Fortune,

Vicky Thomason, and Kathleen Baker ("Plaintiffs") having moved for summary judgment pursuant to Fed. R. Civ. P. 56; and

Defendant United States Patent and Trademark Office ("Defendant USPTO") having moved for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c); and

Defendants Myriad Genetics, Lorris Betz, Roger Boyer, Jack Brittain, Arnold B. Combe, Raymond Gesteland, James U. Jensen, John Kendall Morris, Thomas Parks, David W. Pershing, and Michael K. Young ("the Myriad Defendants") having moved for summary judgment pursuant to Fed. R. Civ. P. 56; and

The Court having issued its Amended Opinion on April 5, 2010, granting Plaintiffs' motion for summary judgment in part; and granting Defendant USPTO's motion for judgment on the pleadings; and denying the Myriad Defendants' motion for summary judgment, it is

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Amended Opinion dated April 5, 2010:

Claims 1, 2, 5, 6, 7, and 20 of United States Patent 5,747,282 are invalid; and

Claims 1, 6, and 7 of United States Patent 5,837,492 are invalid; and

Claim 1 of United States Patent 5,693,473 is invalid; and

Claim 1 of United States Patent 5,709,999 is invalid; and

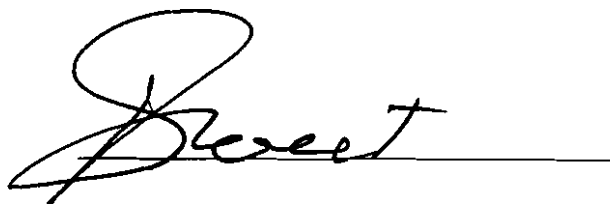
Claim 1 of United States Patent 5,710,001 is invalid; and

Claim 1 of United States Patent 5,753,441 is invalid; and

Claims 1 and 2 of United States Patent 6,033,857 are invalid; and

Plaintiffs' claims against Defendant USPTO are dismissed without prejudice.

Dated: New York, New York  
April 19, 2010

A handwritten signature in black ink, appearing to read "D. Sweet", is written over a horizontal line.

**PARTIES ENTITLED TO BE  
NOTIFIED OF ENTRY OF JUDGMENT**

**Plaintiffs**

- (1) Association for Molecular Pathology
- (2) American College of Medical Genetics
- (3) American Society for Clinical Pathology
- (4) College of American Pathologists
- (5) Haig Kazazian, MD
- (6) Arupa Ganguly, PhD
- (7) Wendy Chung, MD, PhD
- (8) Harry Ostrer, MD
- (9) David Ledbetter, PhD
- (10) Stephen Warren, PhD
- (11) Ellen Matloff, M.S.
- (12) Elsa Reich, M.S.
- (13) Breast Cancer Action
- (14) Boston Women's Health Book Collective
- (15) Lisbeth Ceriani
- (16) Runi Limary
- (17) Genae Girard
- (18) Patrice Fortune
- (19) Vicky Thomason
- (20) Kathleen Baker

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**Defendants**

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**(2) Myriad Genetics**

**(3) Lorris Betz**

**(4) Roger Boyer**

**(5) Jack Brittain**

**(6) Arnold B. Combe**

**(7) Raymond Gesteland**

**(8) James U. Jensen**

**(9) John Kendall Morris**

**(10) Thomas Parks**

**(11) David W. Pershing**

**(12) Michael K. Young**

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**CERTIFICATE OF SERVICE**

This is to certify that on APRIL 9, 2010, a true and correct copy of the foregoing document has been served on all counsel of record via email and US mail.

Ben R. Latine